

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE HEBRON TECHNOLOGY CO., LTD
SECURITIES LITIGATION

20 Civ. 4420 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On December 21, 2020, defendants filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. Additionally, under Rule 15(a)(2), a plaintiff may amend the complaint with written leave of Court.


As set forth in the Court's prior scheduling order, *see* Dkt. 26 at 1 & n.1, it is hereby ORDERED that plaintiff shall file any amended complaint by January 20, 2021. No further opportunities to amend will ordinarily be granted. If plaintiff does amend, by February 19, 2021, defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that they rely on the previously filed motion to dismiss.¹

It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by January 20, 2021. Defendants' reply, if any, shall be served by February 19, 2021. At the time any reply is served, the moving party shall supply the Court with a courtesy copy of all motion papers by attaching them as PDF files to a single email addressed to EngelmayerNYSDChambers@nysd.uscourts.gov.

¹ If defendants file a new motion to dismiss or rely on their previous motion, plaintiff's opposition will be due by March 12, 2021, and defendants' reply, if any, will be due by March 19, 2021.

The Court will determine later, after receipt of plaintiff's anticipated brief opposing a motion to dismiss the current or amended complaint, whether to schedule oral argument.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: December 22, 2020
New York, New York